

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/921,504	08/02/2001	. Daniel R. Drake	RSW920010025US1	6105	
7590 09/12/2005			EXAMINER		
Mark D. Simpson, Esquire Synnestvedt & Lechner			KENDALL, CHUCK O		
2600 Aramark			ART UNIT	PAPER NUMBER	
1101 Market Street			2192	,	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action							
Before the Filing of an Appeal Brief							

Application No.	Applicant(s)		
09/921,504	DRAKE ET AL.		
Examiner	Art Unit		
Chuck O. Kendall	2192		

•	LXummor	Air Oille						
	Chuck O. Kendall	2192						
The MAILING DATE of this communication ap	pears on the cover sheet with the	correspondence add	Iress					
THE REPLY FILED 11 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.								
The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:								
<ul> <li>a)</li></ul>								
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).								
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
<ol> <li>The Notice of Appeal was filed on 10 May 2005. A brid date of filing the Notice of Appeal (37 CFR 41.37(a)), appeal. Since a Notice of Appeal has been filed, any remains the second of t</li></ol>	or any extension thereof (37 CFR 41	.37(e)), to avoid dismi	ssal of the					
AMENDMENTS			•					
3.  The proposed amendment(s) filed after a final rejection (a) They raise new issues that would require further (b) They raise the issue of new matter (see NOTE between the property of t	consideration and/or search (see N		because					
(c) ☐ They are not deemed to place the application in lappeal; and/or		,	the issues for					
(d) They present additional claims without canceling NOTE: (See 37 CFR 1.116 and 41.33(a	· -	ejected claims.						
4. The amendments are not in compliance with 37 CFR 5. Applicant's reply has overcome the following rejection		Compliant Amendment	t (PTOL-324).					
6. Newly proposed or amended claim(s) would be the non-allowable claim(s).		e, timely filed amendn	nent canceling					
7. For purposes of appeal, the proposed amendment(s): how the new or amended claims would be rejected is p. The status of the claim(s) is (or will be) as follows:		will be entered and an	explanation of					
Claim(s) allowed: Claim(s) objected to:								
Claim(s) rejected: <u>1-28</u> .								
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE								
B. The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).	but before or on the date of filing a and sufficient reasons why the affid	Notice of Appeal will <u>r</u> avit or other evidence	not be entered is necessary					
9. The affidavit or other evidence filed after the date of fili entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necess	o overcome <u>all</u> rejections under app	eal and/or appellant fa	ils to provide a					
10. ☐ The affidavit or other evidence is entered. An explana REQUEST FOR RECONSIDERATION/OTHER	- ·		· <i>'</i>					
11.   ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.								
12. Note the attached Information Disclosure Statement(statement).	s). (PTO/SB/08 or PTO-1449) Pape	r No(s)						
		•						

Art Unit: 2192

## **Advisory Action**

On page 8 of Applicants response of 04/11/05, Applicant aruges that neither Shrader nor Parathesarathy teach or suggest " obtaining of location information for the software prerequisites and the inclusion of the location information as part of a super image that is delivered to the local machines for installation with the super image being created". Examiner disagrees, In 8: 45 - 50, Shrader discloses an Application image(Applmage) objects, 254 and 258 represent product images which has a link to an Application object in the Application Container Object, the link points to another object in the Network installation program. Examiner interprets the Applmage to be the super image and the link which it contains, that points to another object in the installations plan to be the location or address of a needed file or prerequisite object as claimed by Applicant.

TUAN DAM
TUAN DAM
EXAMINER

Page 2